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11 AIO ACQUISITION, INC.

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DISTRICT

15 JULIAN ROSENBERG, on behalf of
16 himself and all others similarly situated,
17 and on behalf of the general public,

18 Plaintiff,

19 v.

20 AIO ACQUISITION, INC., a Delaware
21 corporation, d/b/a PERSONNEL
22 CONCEPTS, and DOES 1 through 50,
23 inclusive,

24 Defendants.

FILED
11 APR 20 PM 3:07
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

CASE NO. CV11-03384 SVW (JLA)

NOTICE OF REMOVAL
28 U.S.C. § 1441 [DIVERSITY]

[Los Angeles Superior Court Case
No. BC 457512]

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441 and
3 1446, Defendant AIO Acquisition, Inc. ("AIO") hereby removes the above-
4 captioned action, presently pending in the Superior Court of the State of California
5 for the County of Los Angeles, as Case No. BC 457512, to the United States
6 District of California, Los Angeles Division. As grounds for removal to this Court,
7 AIO states as follows:

8 **FACTUAL BACKGROUND**

9 1. On March 16, 2011, Plaintiff Julian Rosenberg filed a class action against
10 AIO in the Superior Court of the State of California for the County of Los Angeles,
11 entitled Rosenberg v. AIO Acquisition, Inc., Case No. BC 457512. A true and
12 correct copy of Plaintiff's Complaint is attached hereto as Exhibit A.

13 2. True and correct copies of all documents filed in the state court action,
14 included but not limited to, copies of the Civil Cover Sheets, Summonses, or other
15 evidence of service are attached hereto as Exhibit B.

16 3. On March 22, 2011, Plaintiff personally served a copy of the Complaint
17 and summons on AIO. This Notice of Removal is timely under 28 U.S.C.
18 § 1446(b) because it is filed within 30 days after any defendant was served with a
19 copy of the Complaint and corresponding summons.

20 4. This Court is the appropriate court to which the action must be
21 removed because it is part of the "district and division embracing the place where"
22 Plaintiffs filed this action in Los Angeles, California. 28 U.S.C. § 1446(a).

23 5. A copy of this Notice of Removal will be filed contemporaneously
24 with the Clerk of the Superior Court of the State of California for the County of
25 Los Angeles, and will be served contemporaneously on all counsel of record, as
26 required by 28 U.S.C. § 1446(d).

FEDERAL JURISDICTION UNDER THE CLASS ACTION FAIRNESS ACT

6. This Court has jurisdiction of this action pursuant to the Class Action Fairness Act of 2005 ("CAFA"), Public Law 109-2, codified at 28 U.S.C. § 1332(d).

7. CAFA creates federal jurisdiction over lawsuits (1) in which "the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs," (2) "in which...any member of a class of plaintiffs is a citizen of a State different from any defendant, and (3) that involve a putative class that consists of more than 100 members." 28 U.S.C. §§ 1332(d)(2)(A) and (d)(5). Each of these three requirements is met.

Requirement No. 1: The Amount in Controversy Exceeds \$5,000,000.

8. "Where the complaint does not specify the amount of damages sought, the removing defendant must prove by a preponderance of the evidence that the amount in controversy requirement has been met." Abrego Abrego v. The Dow Chemical Co., 443 F.3d 676, 683 (9th Cir. 2006). "Under this burden, the defendant must provide evidence that it is 'more likely than not' that the amount in controversy satisfies the federal diversity jurisdictional amount." Id. Here, Plaintiff does not seek a specified amount in damages, so AIO's burden is to establish by a preponderance of the evidence that the amount in controversy in the Complaint exceeds \$5 million. AIO easily satisfies its burden.

9. When determining the amount in controversy, "[t]he question is not what damages the plaintiff will recover, but what amount is 'in controversy' between the parties. That the plaintiff may fail in its proof, and the judgment be less than the threshold (indeed, a good chance that the plaintiff will fail and the judgment will be zero) does not prevent removal." Brill v. Countrywide Home Loans, Inc., 427 F.3d 446, 449 (7th Cir. 2005). "The demonstration concerns what the plaintiff is claiming (and thus the amount in controversy between the parties), not whether plaintiff is likely to win or be awarded everything." Id.

1 10. AIO disputes Plaintiff's claims, objects to any motion seeking class
2 certification, and denies any and all liability. However, for purposes of removal,
3 AIO is able to demonstrate by a preponderance of the evidence that Plaintiff's
4 demand is in excess of \$5,000,000, exclusive of interest and costs.

5 11. Plaintiffs seek to pursue this action on behalf of "[a]ll persons located
6 in California who received a telephone call from AIO whose telephone
7 conversations were eavesdropped upon, bugged, wiretapped and/or recorded by
8 Defendants, without Class member's knowledge and/or consent, after the date one
9 (1) year prior to the filing of this Action." (Complaint at ¶ 28.) Plaintiff asserts the
10 following two causes of action on behalf of himself and the putative class:
11 (1) invasion of privacy (Cal. Penal Code § 630 et. seq.), and (2) negligence.
12 Plaintiff demands "statutory damages of \$5,000 per violation pursuant to
13 California Penal Code section 637.2." (Complaint, Relief Requested, § (c), p.10.)

14 12. Since at least March 16, 2010, AIO has called approximately 4,830
15 individuals in California each day. (Williamson Decl., ¶ 2.) During each of these
16 calls, a beep tone recurs periodically to warn all participants that the call is being
17 recorded. (*Id.*) On March 2, 2011, AIO placed one such call to a business, spoke
18 to Plaintiff, and recorded the conversation. (*Id.* at ¶ 3.) During this call, a beep
19 tone sounded throughout the call. (*Id.*) AIO records each of the thousands of calls
20 per day it makes to California, warning each participant of the recording with a
21 recurringw beep tone. (*Id.* at ¶ 2.)

22 13. The Complaint demands \$5,000 for each recorded call without a
23 warning. In spite of the beep tone, Plaintiff alleges that AIO recorded his call
24 without warning him. Because AIO recorded thousands of calls each day with a
25 beep tone, the Complaint's demand for \$5,000 per call puts the amount in
26 controversy well over \$5 million. Indeed, only 1,001 calls must be in dispute to
27 reach the \$5 million threshold. See Saulic v. Symantec Corp., 2007 U.S. Dist.
28 LEXIS 96640, *19-21 (C.D. Cal. 2007) (action properly removed under CAFA and

1 amount in controversy exceeds \$5 million where "the maximum civil penalty is
2 identified in the statute and the same amount (\$ 1,000.00) is requested by plaintiff
3 in the complaint As a result, defendants must simply show there are at least
4 5,001 putative class claims in order to prove the amount in controversy exceeds
5 \$5,000,000 and therefore meets CAFA's jurisdictional requirement").

6 **Requirement No. 2: The Class Members Are Citizens of a State Different**
7 **Than AIO.**

8 14. Parties to a class action are diverse where "any member of a class of
9 plaintiffs is a citizen of a State different from any defendant." 28 U.S.C.
10 § 1332(d)(2)(A). "[A] corporation shall be deemed to be a citizen of any State by
11 which it has been incorporated and of the State where it has its principal place of
12 business." 28 U.S.C. § 1332(c)(1). A corporation's "principal place of business" is
13 "best read as referring to the place where a corporation's officers direct, control,
14 and coordinate the corporation's activities." Hertz Corp. v. Friend, 559 U.S. ____,
15 130 S. Ct. 1181, 1192 (2010). The principal place of business is "the corporation's
16 'nerve center.' And in practice it should normally be the place where the
17 corporation maintains its headquarters" – the place that is the "actual center of
18 direction, control, and coordination." Id.

19 15. Plaintiff is a citizen of California, and he seeks to represent only those
20 individuals who reside in California. (Complaint ¶¶ 8, 28.) AIO is organized and
21 existing under the laws of the State of Delaware, with its principal place of
22 business in the State of Wisconsin. (Williamson Decl., ¶ 4.) Each officer and
23 director of AIO resides and works in Wisconsin, where all of the high level
24 decisions about the company are made. (Id.) Accordingly, AIO is a citizen of
25 Delaware and/or Wisconsin for purposes of diversity jurisdiction. 28 U.S.C.
26 § 1332(c)(1).

1 16. The supposed defendants named as “Does 1 through 50, inclusive” are
2 sued under fictitious names whose alleged citizenship is to be disregarded.
3 28 U.S.C. § 1444. The diversity requirement, therefore, is satisfied.

4 **Requirement No. 3: The Class Consists of Over 100 Class Members.**

5 17. As explained above, since at least March 16, 2010, AIO has placed
6 thousands of telephone calls each day to individuals in California. (Williamson
7 Decl. at ¶ 2.) Each of these calls have been recorded with recurring beep tones.
8 (*Id.*) Therefore, the putative class includes well over 100 members.

9 **The Court is not Required to Decline Jurisdiction.**

10 18. CAFA requires district courts to decline to exercise jurisdiction over
11 statewide class actions in certain circumstances. 28 U.S.C. § 1332(d)(4).
12 However, unless more than two-thirds of the members of the class **and** at least one
13 defendant, are from the state in which the action was originally filed, then the
14 district court is not required to decline jurisdiction. *Id.*

15 19. Here, AIO is not a citizen of California and the entire class is within
16 California. Accordingly, the Court is **not** required to decline jurisdiction.

17 **The Exercise of Jurisdiction Here Is Not Discretionary.**

18 20. CAFA **permits** district courts to decline to exercise jurisdiction over
19 statewide class actions in only limited circumstances. 28 U.S.C. § 1332(d)(3). A
20 court is required to weigh various policy concerns (*e.g.*, interstate interests, choice
21 of law, forum shopping) to determine whether it will exercise jurisdiction **only**
22 **where** “greater than one-third but less than two-thirds of the members” of the class
23 **and** the primary defendants “are citizens of the State in which the action was
24 originally filed.” *Id.*

25 21. Here, AIO is not a citizen of California and the entire class is within
26 California, so the Court is **not** required to weigh competing interests in order to
27 determine whether it should assert jurisdiction.
28

1 **WHEREFORE**, AIO respectfully removes this action from the Superior
2 Court of the State of California for the County of Los Angeles, Case No.
3 BC 457512, to the United States District Court for the Central District of
4 California, Los Angeles Division. AIO prays that: (1) this Court proceed in this
5 action pursuant to 28 U.S.C. § 1447, as if this action had been originally been filed
6 in this Court; and (2) that further proceedings in the state court action be stayed in
7 all respects.

8
9 DATED: April 19, 2011

VENABLE LLP

10
11 By: 

12 Dan Chammas
13 Attorneys for Defendant
14 AIO ACQUISITION, INC.
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EXHIBIT A

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 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

MAR 16 2011

John A. Clark, Executive Officer/Clerk
 BY Gina Gader Deputy

Attorneys for Plaintiff Julian Rosenberg, on behalf of himself and all others similarly situated, and on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BC 457512

JULIAN ROSENBERG, on behalf of himself
 and all others similarly situated, and on behalf
 of the general public,

CASE NO:

*Assigned to the Honorable
 Department*

Plaintiff,

**CLASS ACTION COMPLAINT FOR
 DAMAGES AND INJUNCTIVE RELIEF:**

v.

AIO ACQUISITION, INC., a Delaware
 corporation, d/b/a PERSONNEL CONCEPTS,
 and DOES 1 through 50, inclusive,

1) INVASION OF PRIVACY (CAL. PENAL
 CODE § 630 ET. SEQ.)
 2) NEGLIGENCE

Defendants.

DEMAND FOR JURY TRIAL

Plaintiff Julian Rosenberg ("ROSENBERG" or "Plaintiff"), an individual, on behalf of himself and on behalf of all others similarly situated (the "Plaintiff Class"), hereby alleges as follows:

INTRODUCTION

1. Defendant AIO ACQUISITION, INC., a Delaware corporation doing business as PERSONNEL CONCEPTS ("AIO"), markets and sells employment law posters to employers and consumers across California, the United States, and other countries. AIO aggressively pursues its potential customers by making telephone solicitations employing pushy and potentially deceptive sales techniques.

2. In connection with these outgoing telephone communications, without providing

-1-

CLASS ACTION COMPLAINT

1 notice to, or obtaining the consent of, Plaintiff and the Plaintiff Class (as defined herein), AIO
 2 engages in a practice of monitoring and recording confidential telephone communications between
 3 Plaintiff and the Plaintiff Class, on the one hand, and AIO and its representatives, on the other
 4 hand.

5 3. AIO and its representatives and/or agents engaged in a telephone communication
 6 with Plaintiff in an attempt to solicit business from him and/or his employer in March 2011.
 7 Based on information and belief, Plaintiff alleges that said telephone conversation was secretly
 8 recorded and/or monitored by AIO, without first providing Plaintiff notice and without first
 9 obtaining his consent to record and/or monitor the telephone conversation. During the course of
 10 his conversation with AIO, Plaintiff disclosed sensitive personal identifying information and
 11 confidential financial information.

12 4. AIO's practice of monitoring, recording and/or eavesdropping on Plaintiff and
 13 Plaintiff Class members' telephone conversations violated, and continues to violate *California*
 14 *Penal Code* § 630 *et seq.*

15 5. Plaintiff is a member of the Plaintiff Class because his telephone conversations
 16 with AIO and its representatives were, without the knowledge or consent of the Plaintiff,
 17 eavesdropped upon, bugged, wiretapped, and/or recorded by AIO.

18 6. Plaintiff brings this action as a class action seeking all appropriate damages and
 19 remedies available to him and members of the Plaintiff Class proposed herein, including but not
 20 limited to injunctive relief pursuant to *Penal Code* § 637.2(b).

21 7. All allegations in this complaint are based upon information and belief except for
 22 those allegations which pertain to ROSENBERG and his counsel. ROSENBERG's information
 23 and belief is based upon, *inter alia*, an investigation conducted to date by ROSENBERG and his
 24 counsel.

25 THE PARTIES

26 8. Plaintiff ROSENBERG is an individual and a resident of the County of Los
 27 Angeles, State of California. ROSENBERG had telephonic communications with certain

1 employees, agents, officers, and/or directors of AIO. ROSENBERG is informed and believes, and
2 based thereon alleges, that each of these conversations referenced herein was, without
3 ROSENBERG's knowledge or consent, bugged, recorded, wiretapped, and/or eavesdropped upon
4 by Defendants, and each of them, all to ROSENBERG's harm and damage.

5 9. ROSENBERG is informed and believes, and based thereon alleges, that AIO is a
6 corporation organized under the laws of Delaware, legally operating and authorized to legally
7 operate and conduct business under the laws of the State of Delaware.

8 10. Plaintiff is informed, believes, and thereupon alleges, that Defendant AIO has its
9 principal place of business in the State of California.

10 11. Plaintiff is informed and believes, and based thereon alleges, that the wrongful acts
11 alleged herein by AIO were performed or occurred in the County of Los Angeles, State of
12 California, and throughout the State of California.

13 12. ROSENBERG is further informed and believes, and based thereon alleges, that
14 additional calls have been bugged, recorded, wiretapped, and/or eavesdropped upon by
15 Defendants, and each of them, without ROSENBERG's and Plaintiff Class members' consent,
16 originating from various locations within the State of California and placed to Plaintiff and other
17 Plaintiff Class members within the State of California.

18 13. The true names and/or capacities, whether individual, corporate, associate or
19 otherwise, of Defendants DOES 1 through 50 inclusive, and each them, are unknown to
20 ROSENBERG, who therefore sues said Defendants by such fictitious names. ROSENBERG is
21 informed and believes, and upon such information and belief hereby alleges, that each of the
22 Defendants fictitiously named herein as a DOE is legally responsible, negligently or in some other
23 manner, for the events and happenings hereinafter referred to and proximately caused the damages
24 to Plaintiff and Plaintiff Class members as hereinafter alleged. ROSENBERG will seek leave of
25 Court to amend this Complaint to insert the true names and/or capacities of such fictitiously named
26 Defendants when the same have been ascertained.

27 14. Plaintiff is informed and believes, and thereupon alleges, that at all times
28

1 mentioned herein, Defendants, and each of them, including DOES 1 through 50, inclusive, were
2 the agents, servants, employees, and/or joint venturers of their co-Defendants, and were, as such,
3 acting within the course, scope, and authority of said agency, employment and/or venture, and with
4 the knowledge, consent, permission, and/or ratification of each other, and that each Defendant, as
5 aforesaid, when acting as alleged herein, acted in concert to commit the acts complained of herein
6 and to engage in a course of conduct in the business practices complained of herein.

7 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

8 15. ROSENBERG is informed and believes, and based thereon alleges, that at all times
9 pertinent herein, Defendants maintained call centers located throughout the United States from
10 which its employees and consumers were prompted to telephone and/or called consumers and
11 employers to buy employment law posters.

12 16. Defendants' employees and agents at these call centers received incoming calls
13 from consumers and placed outgoing calls to consumers who resided in California.

14 17. ROSENBERG is informed and believes, and based thereon alleges, that Defendants
15 had a policy and practice of recording and/or monitoring these telephone conversations with
16 California consumers.

17 18. ROSENBERG is informed and believes, and based thereon alleges, that
18 Defendants' employees and agents at these call centers were directed, trained and instructed to,
19 and did, record, monitor and/or eavesdrop upon these telephone conversations with California
20 consumers.

21 19. Defendants intentionally installed and/or caused to be installed certain wiretapping,
22 eavesdropping and bugging equipment in Defendants' telephone lines. ROSENBERG is informed
23 and believes, and based thereon alleges, that all these devices were maintained and utilized to
24 overhear, record and bug each and every telephone conversation on said telephone lines.

25 20. ROSENBERG is informed and believes, and based thereon alleges, that these calls
26 were recorded, monitored and/or eavesdropped upon without knowledge or consent of consumers.

27 21. ROSENBERG was never informed that his calls with Defendants were being
28

1 recorded and/or monitored.

2 22. During the course of these telephone conversations with employees and agents of
3 Defendants, ROSENBERG revealed sensitive, private, and confidential information, including
4 personal and financial information. Plaintiff did so with a reasonable expectation of privacy in
5 those telephone conversations.

6 23. The wiretapping, bugging, and eavesdropping equipment mentioned herein was
7 used to listen to the telephone conversations of the Plaintiff and proposed class members; this
8 violated *California Penal Code* § 630 *et seq.*

9 24. During March 2011, Defendants engaged in telephone conversations with Plaintiff
10 ROSENBERG while he was located in the State of California. During those calls, ROSENBERG
11 spoke to an individual acting on behalf of AIO, and in doing so he disclosed sensitive, personal
12 identifying information.

13 25. At no time during his conversations was ROSENBERG informed by AIO, or by
14 anyone, that his telephone calls were being eavesdropped upon, wiretapped, recorded and/or
15 monitored. At no time did ROSENBERG give consent for his telephone calls to be eavesdropped
16 upon, wiretapped, recorded and/or monitored by Defendants.

17 26. ROSENBERG had a reasonable expectation that the telephone conversations were,
18 and would remain, private and confidential, and he did not expect that his telephone
19 communications with AIO were being overheard or recorded by anyone else. Such recording
20 and/or monitoring was and is highly offensive to ROSENBERG and would be highly offensive to
21 a reasonable person, including members of the Plaintiff Class proposed herein.

22 27. ROSENBERG thereafter learned that telephone conversations between AIO and
23 consumers, including those telephone conversations with ROSENBERG and members of the
24 Plaintiff Class, are recorded and/or monitored.

25 **CLASS ACTION ALLEGATIONS**

26 28. ROSENBERG brings this action on behalf of himself and all others similarly
27 situated as a Class Action pursuant to § 382 of the *Code of Civil Procedure*. Plaintiff seeks to

1 represent a class composed of and defined as follows:

2 All persons located in California who received a telephone call from
3 AIO and whose telephone conversations were eavesdropped upon,
4 bugged, wiretapped and/or recorded by Defendants, without that Class
5 member's knowledge and/or consent, after the date one (1) year prior
6 to the filing of this Action.

7 29. Plaintiff reserves the right under Rule 3.765, *California Rules of Court*, to amend or
8 modify the class description with greater specificity or further division into subclasses or limitation
9 to particular issues.

10 30. This action has been brought and may properly be maintained as a class action
11 under the provisions of § 382 of the *Code of Civil Procedure* because there is a well-defined
12 community of interest in the litigation and the proposed Class is easily ascertainable.

13 **A. Numerosity**

14 31. The potential members of the proposed Class as defined are so numerous that
15 joinder of all the members of the proposed Class is impracticable. While the precise number of
16 proposed Plaintiff Class members has not been determined at this time, ROSENBERG is informed
17 and believes that the proposed class encompasses over two hundred fifty (250) members.

18 32. Plaintiff alleges Defendants' records will provide information as to the number and
19 location of all proposed Plaintiff Class members. Joinder of all members of the proposed Class is
20 not practicable.

21 **B. Commonality**

22 33. There are questions of law and fact common to the proposed Class that predominate
23 over any questions affecting only individual class members. These common questions of law and
24 fact include, without limitation:

- 25 a. Whether AIO had a policy of wiretapping, eavesdropping upon and/or
- 26 monitoring its outgoing calls made to California consumers;
- 27 b. Whether AIO implemented its policy of wiretapping, eavesdropping upon

1 and/or monitoring its outgoing calls made to California consumers;

2 c. Whether AIO's policy of wiretapping, eavesdropping upon and/or
3 monitoring its outgoing calls made to California consumers constitutes a
4 violation of *California Penal Code* § 631(a), 632(a) and/or 637;

5 d. Whether AIO disclosed to California callers that their telephone
6 conversations were being wiretapped, eavesdropped upon and/or monitored;

7 e. Whether Class members consented to wiretapping, eavesdropping upon
8 and/or monitoring of such calls; and

9 f. Whether the named Plaintiff and the Class are entitled to recover damages
10 and the measure of such damages; and

11 g. Whether the named Plaintiff and the Class are entitled to injunctive relief
12 pursuant to *Penal Code* § 637.2(b).

13 **C. Typicality**

14 34. The claims of the named Plaintiff are typical of the claims of the proposed Class.
15 Plaintiff and all members of the Plaintiff Class sustained injuries and damages arising out of and
16 caused by Defendants' common course of conduct in violation of laws, regulations that have the
17 force and effect of law, and statutes as alleged herein.

18 **D. Adequacy of Representation**

19 35. Plaintiff will fairly and adequately represent and protect the interests of the
20 members of the proposed Plaintiff Class. Counsel who represents Plaintiff is competent and
21 experienced in class action litigation.

22 **E. Superiority of Class Action**

23 36. A class action is superior to other available means for the fair and efficient
24 adjudication of this controversy. Individual joinder of all proposed Plaintiff Class members is not
25 practicable, and questions of law and fact common to the proposed Class predominate over any
26 questions affecting only individual members of the proposed Class. Each member of the proposed
27 Class has been damaged and is entitled to recovery by reason of Defendants' illegal policies and/or

1 practices.

2 37. Class action treatment will allow those similarly situated persons to litigate their
3 claims in the manner that is most efficient and economical for the parties and the judicial system.
4 Plaintiff is unaware of any difficulties that are likely to be encountered in the management of this
5 action that would preclude its maintenance as a class action.

6 **FIRST CAUSE OF ACTION**

7 **PLAINTIFF AND THE PLAINTIFF CLASS AGAINST ALL DEFENDANTS**

8 **INVASION OF PRIVACY (CAL. PENAL CODE § 630 ET. SEQ.)**

9 38. Plaintiff incorporates paragraphs 1 through 37 of this Complaint as though fully set
10 forth herein.

11 39. Defendants, and each of them, installed and/or caused to be installed certain
12 wiretapping, eavesdropping and bugging equipment on their telephone lines.

13 40. Plaintiff is informed and believes, and based thereon alleges, that all these devices
14 were maintained and utilized to overhear, record or bug each and every outgoing telephone
15 conversation over said telephone lines.

16 41. The aforementioned wiretapping, bugging, and eavesdropping equipment was used
17 to listen to the telephone conversations between ROSENBERG and members of the Plaintiff
18 Class, on one hand, and the Defendants, on the other, all in violation of *California Penal Code* §
19 632(a).

20 42. Plaintiff is informed and believes, and based thereon alleges, that each of the
21 aforesaid telephone communications, and the recordings thereof, were disseminated by and
22 between the Defendants, and each of them, all in violation of *California Penal Code* § 630 et. seq.

23 43. At no time at the onset or during these telephone conversations did Defendants, or
24 any of them, or any of their employees, agents, managers, officers or directors, or any other person,
25 inform ROSENBERG or any members of the Plaintiff Class that the interceptions, eavesdropping,
26 wiretapping, bugging and recording of their telephone conversations were taking place, and at no
27 time did ROSENBERG or any members of the Plaintiff Class consent to this activity.

44. Defendants, and each of them, knowing that it was unlawful and a violation of *California Penal Code* § 630 *et seq.* did intrude on ROSENBERG's and the Plaintiff Class members' privacy by knowingly and/or negligently and/or intentionally engaging in the aforementioned intercepting, eavesdropping, wiretapping, bugging and recording activities in connection with the telephone conversations between ROSENBERG and the Plaintiff Class members, on the one hand, and employees, managers, officers and directors of Defendant AIO, and all other defendants, on the other, all as aforementioned and alleged herein.

45. The aforesaid telephone conversations between Plaintiff and Plaintiff Class members, on the one hand, and Defendants, on the other hand, were confidential communications to which Plaintiff and Plaintiff Class members had a reasonable expectation of privacy.

46. Based on the foregoing, ROSENBERG and members of the Plaintiff Class are entitled to statutory damages pursuant to *California Penal Code* § 637.2 and injunctive relief pursuant to *California Penal Code* § 637.2(b).

Wherefore, ROSENBERG and the Plaintiff Class he seeks to represent request relief as described below.

SECOND CAUSE OF ACTION

PLAINTIFF AND THE PLAINTIFF CLASS AGAINST ALL DEFENDANTS

NEGLIGENCE

47. Plaintiff incorporates paragraphs 1 through 46 of this Complaint as though fully set forth herein.

48. Defendants, and each of them, had various statutory and common law duties not to engage in the aforementioned wiretapping, eavesdropping, recording and bugging activities which led to the rights to privacy of ROSENBERG and Plaintiff Class members being invaded and breached.

49. Defendants, and each of them, negligently and recklessly engaged in the aforementioned eavesdropping, wiretapping, recording and bugging activities of ROSENBERG and the members of the Plaintiff Class.

50. These activities of Defendants, and each of them, as aforesaid in this cause of action and in this complaint, caused actual, statutorily-imposed and/or demonstrable damages to ROSENBERG and the members of the Plaintiff Class.

51. As a result of Defendants' activities as addressed in this cause of action and in this complaint, ROSENBERG suffered severe emotional distress, inconvenience, anxiety and upset. As a result of such injuries, ROSENBERG has suffered general damages according to proof.

52. Based on the foregoing, ROSENBERG and members of the Plaintiff Class suffered damage as a result of the conduct of Defendants, and each of them.

Wherefore, ROSENBERG and the Plaintiff Class he seeks to represent request relief as described below.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for the following relief:

- a. An order certifying this matter as a class action;
- b. An order naming counsel herein as Class Counsel;
- c. Consequential damages or statutory damages of \$5,000 per violation, pursuant to *California Penal Code* § 637.2, whichever is greater;
- d. Injunctive relief pursuant to *California Penal Code* § 637.2(b), enjoining Defendants from engaging in conduct violative of *California Penal Code* § 630 *et. seq.*;
- e. Economic damages;
- f. Non-economic damages;
- g. Costs of suit incurred herein;
- h. Any and all prejudgement interest permitted by law;
- i. Such further relief, costs, and damages the Court deems proper.

DEMAND FOR JURY TRIAL

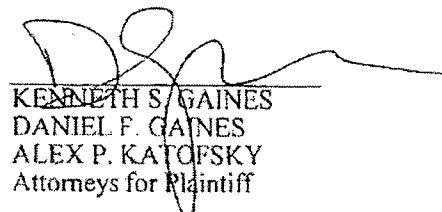
Plaintiff hereby demands a trial of his claims by jury to the extent authorized by law.

1 DATED: March 15, 2011

Respectfully submitted,

GAINES & GAINES
A Professional Law Corporation

By:


KENNETH S. GAINES
DANIEL F. GAINES
ALEX P. KATOFISKY
Attorneys for Plaintiff

03/16/11

EXHIBIT B

J-22-11 @ 12:15

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: AIO ACQUISITION, INC., a Delaware
(AVISO AL DEMANDADO): corporation, d/b/a PERSONNEL
CONCEPTS, and DOES 1 through 50, inclusive,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 16 2011

YOU ARE BEING SUED BY PLAINTIFF: JULIAN ROSENBERG, on
(LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of himself
and all others similarly situated, and on behalf of
the general public,

John A. Clarke, Executive Officer/Clerk
BY Gina Grider, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lee la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o al colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desochar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California
111 North Hill Street

CASE NUMBER:
(Número del Caso):

BC 457512

Los Angeles, 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Daniel F. Gaines, Esq. SBN 251488

(818) 703-8985 (818) 703-8984

GAINES & GAINES, APLC

21550 Oxnard Street, Suite 980

Woodland Hills, CA 91367

DATE:

(Fecha)

Clerk, by

(Secretario)

GINA GRIDER

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): AIO ACQUISITION, INC., A DELAWARE CORPORATION, d/b/a PERSONNEL CONCEPTS,

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.60 (minor)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.70 (conservatee)

☐ CCP 416.40 (association or partnership)

☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☒ by personal delivery on (date):

Page 1 of 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
 Case Number BC 487572

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.30). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Carolyn B. Kuhl	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Debra Katz Weintraub	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Deirdre Hill	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Richard E. Rico	17	309	Hon. Abraham Khan	51	511
Hon. Rex Heeseman	19	311	Hon. Susan Bryant-Deason	52	510
Hon. Kevin C. Brazile	20	310	Hon. John P. Shook	53	513
Hon. Zaven V. Sinanian	23	315	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Michael Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Dau	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
Hon. John A. Kronstadt	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Kenneth R. Freeman	64	601
Hon. Charles F. Palmer	33	409	Hon. Mark Mooney	68	617
Hon. Amy D. Hogue	34	408	Hon. Ramona Sec	69	621
Hon. Daniel Buckley	35	411	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Emilie H. Elias*	324	CCW
Hon. Michelle R. Rosenblatt	40	414	other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Emilie H. Elias in Department 324 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 9001). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the Outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk
 By _____, Deputy Clerk
 LACIV CCH 190 (Rev. 04/10) NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE Page 1 of 2
 LASC Approved 05-06

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Daniel F. Gaines, Esq. SBN 251488 Alex P. Katofsky, Esq. SBN 202754 GAINES & GAINES, APLC 21550 Oxnard Street, Suite 980 Woodland Hills, CA 91367 TELEPHONE NO.: (818) 703-8985 FAX NO.: (818) 703-8984 ATTORNEY FOR (Name): Plaintiff Julian Rosenberg		CM-010 FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES MAR 16 2011 John A. Clark, Executive Officer/Clerk BY <u>[Signature]</u> , Deputy [Signature]	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Central		CASE NUMBER: BC 457512 JUDGE: DEPT:	
CASE NAME: Rosenberg v. AIO			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (32) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 2

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: Mar 15, 2011

Daniel F. Gaines, Esq. SBN 251488

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
RICO (27)

Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint
Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SHORT TITLE Rosenberg v. AIO

CASE NUMBER

BC 457512

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ☐ HOURS/ ☐ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	① 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Unlawful Detainer

Judicial Review

SHORT TITLE: Rosenberg v. AIO		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Rosenberg v. AIO		CASE NUMBER	
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Judicial Review (Cont'd.)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Provisional Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6038 Toxic Tort/Environmental	1., 2., 3., 8.
Enforcement of Judgment	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.		
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

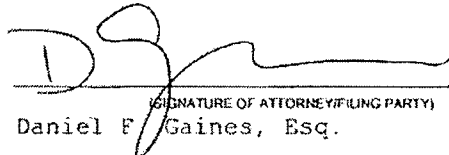
SHORT TITLE: Rosenberg v. AIO	CASE NUMBER
-------------------------------	-------------

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE			ADDRESS
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			1214 North Clark Street, Apt. 10
CITY:	STATE:	ZIP CODE:	
West Hollywood	CA	90069	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Superior Court of California courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: March 15, 2011


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Daniel F. Gaines, Esq.

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

03/16/11

LOS ANGELES SUPERIOR COURT ADR PROGRAMS

CIVIL:

- **Civil Action Mediation** (Governed by Code of Civil Procedure (CCP) sections 1775-1775.15, California Rules of Court, rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, chapter 12.)
- **Retired Judge Settlement Conference**
- **Neutral Evaluation** (Governed by Los Angeles Superior Court Rules, chapter 12.)
- **Judicial Arbitration** (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- **Eminent Domain Mediation** (Governed by Code of Civil Procedure section 1250.420.)
- **Civil Harassment Mediation**
- **Small Claims Mediation**

FAMILY LAW (non-custody):

- **Mediation**
- **Forensic Certified Public Accountant (CPA) Settlement Conference**
- **Settlement Conference**
- **Nonbinding Arbitration** (Governed by Family Code section 2554.)

PROBATE:

- **Mediation**
- **Settlement Conference**

NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Select Panel or may hire someone privately, at their discretion. If the parties utilize the Random Select Mediation or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

COURT ADR PANELS

- Party Select Panel** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all Random Select Panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral** The market rate for private neutrals can range from \$300-\$1,000 per hour.

ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

Antoniovich	42011 4th St. West	None	Lancaster, CA 93534	(861)974-7275	(861)974-7060
Chatsworth	9425 Panfield Ave.	1200	Chatsworth, CA 91311	(818)576-8566	(818)576-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)603-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91206	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	318	Long Beach, CA 90802	(562)491-5272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)897-7243	(562)482-8019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)356-5685	(626)686-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91768	(909)620-3183	(909)629-8283
San Pedro	605 S. Centre	209	San Pedro, CA 90731	(310)519-8151	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-8130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)633-5115
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7326
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)902-2440

Partially Funded by the Los Angeles County Dispute Resolution Program
A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES) ss.

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is Venable LLP, 2049 Century Park East,
Suite 2100, Los Angeles, California.

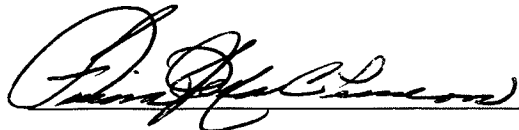
6 On **April 20, 2011**, I served the foregoing document(s) described as **NOTICE OF REMOVAL**
U.S.C. § 1441 [DIVERSITY] on the interested parties in this action addressed as follows

7 Kenneth S. Gaines
8 Daniel E. Gaines
9 Alex P. Katopfsky
GAINES & GAINES, APLC
21550 Oxnard Street
10 Suite 980
Woodland Hills, California 91367

- 11 ☒ By placing true copies thereof enclosed in a sealed envelope(s) addressed as stated above.
- 12 ☒ **BY MAIL (FRCP 5(b)(1)(C)):** I am readily familiar with the firm's practice of
13 collection and processing correspondence for mailing with the U.S. Postal Service.
14 Under that practice such envelope(s) is deposited with the U.S. postal service on the same
day this declaration was executed, with postage thereon fully prepaid at 2049 Century
Park East, Suite 2100, Los Angeles, California, in the ordinary course of business.
- 15 ☐ **BY PERSONAL SERVICE (FRCP 5(b)(1)(B)(i)):** I delivered such envelope(s) by
16 hand to the addressee(s) as stated above.
- 17 ☐ **BY OVERNIGHT DELIVERY (FRCP 5(b)(1)(F)):** I am readily familiar with the
18 firm's practice of collection and processing items for delivery with Overnight Delivery.
Under that practice such envelope(s) is deposited at a facility regularly maintained by
19 Overnight Delivery or delivered to an authorized courier or driver authorized by
Overnight Delivery to receive such envelope(s), on the same day this declaration was
20 executed, with delivery fees fully provided for at 2049 Century Park East, Suite 2100,
Los Angeles, California, in the ordinary course of business.
- 21 ☐ **BY FACSIMILE (FRCP 5(b)(1)(E)):** Pursuant to FRCP 5(b)(1)(E), on [DATE], at
22 approximately _____ I served the above stated document by facsimile from the
facsimile machine of Venable, LLP whose phone number is (310) 229-9901 to the
23 addressee(s) at the facsimile numbers as stated above. The transmission was reported as
complete and without error.

24 I declare that I am employed in the office of a member of the Bar of this Court at whose direction
25 the service was made. I declare under penalty of perjury under the laws of the United States of
America that the above is true and correct. Executed on **April 20, 2011**, at Los Angeles,
26 California.

27 Felecia J. McClendon
28



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV11- 3384 SVW (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Julian Rosenberg, on behalf of himself and all others similarly situated, and on behalf of the general public	DEFENDANTS AIO Acquisition, Inc., a Delaware corporation, d/b/a/ Personnel Concepts and Does 1 through 50, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Kenneth S. Gaines Gaines & Gaines, APLC 21550 Oxnard Street, Suite 980 Woodland Hills, California 91367 Telephone: 818.703.8985	Attorneys (If Known) Douglas C. Emhoff Dan Chammas Venable LLP 2049 Century Park East, Suite 2100 Los Angeles, California 90067 Telephone: 310.229.9900

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="1"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input checked="" type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input checked="" type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				
IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																									

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
(1) Invasion of privacy (Cal. Penal Code Section 630 et seq.) and (2) Negligence

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW 405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Delaware Wisconsin

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Dan Chammas

Date April 20, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))